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DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-- SRBA Fifth Judicial District County of Twin Falls - State of Idaho
JAN 28 2009
By _____ Clerk
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 22-7171
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

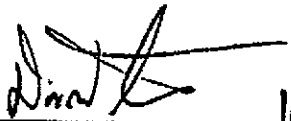
CLAIMANT(s):

DENNIE K. ARNOLD
Dennie K. Arnold Date

1-06-09

JANET ARNOLD 1-06-09
Janet Arnold Date

OBJECTOR(s):

 1/20/09
Date
David W. Gehlert, USDOJ
Attorney for BOR

IDWR Concurrence:

 1/23/09
Date
~~Joseph Larsen~~
Water Resource Agent
Ernest Carlsen.

 7/8/08
Date
Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7171

NAME AND ADDRESS: DENNIE K ARNOLD
1045 N HWY 32
FELT ID 83424

JANET ARNOLD
1045 N HWY 32
FELT ID 83424

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.880 CFS
1,428.00 AFY

5.28 The rights listed below are limited to a total combined diversion rate of
cfs. Combined Right Nos.: 22-4185, 22-7019, 22-7171

The rights listed below are limited to a total combined annual diversion
volume of 2550.5 af. Combined Right Nos.: 22-4185, 22-7019, 22-7171

The rate of diversion of water for irrigation under this right and all other
water rights on the same land shall not exceed 0.02 cubic feet per second
for each acre of land.

PRIORITY DATE: 01/20/1976

POINT OF
DIVERSION:

T07N R44E S27 SESENE Within TETON County
T07N R44E S27 NENENW Within TETON County
T07N R44E S27 SESWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.880 CFS 1,428.00 AFY
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T07N R44E S21 SENE	11.00	T07N R44E S21 SWSE 40.00
	T07N R44E S21 SESE	39.00	T07N R44E S22 NENE 14.00
	T07N R44E S22 NWNE	12.00	T07N R44E S22 SWNE 38.00
	T07N R44E S22 SENE	21.00	T07N R44E S22 SWNW 23.00
	T07N R44E S22 SENW	32.00	T07N R44E S22 NBSW 32.00
	T07N R44E S22 NWSW	35.00	T07N R44E S22 SWSW 40.00
	T07N R44E S22 SESW	40.00	T07N R44E S22 NESE 24.00
	T07N R44E S22 NWSE	40.00	T07N R44E S22 SWSE 40.00
	T07N R44E S22 SESE	22.00	T07N R44E S27 NENE 36.00
	T07N R44E S27 NNNE	40.00	T07N R44E S27 NENW 40.00
	T07N R44E S27 NNWN	40.00	T07N R44E S28 NENE 40.00

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T07N R44E S28	NWNE	39.00	T07N R44E S28	NENW	35.00
T07N R44E S28	NWNW	<u>12.00</u> ~~14.00~~			

785 ~~787~~ ACRES TOTAL

Asst
DL *Scn*
EMC *DL*

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

① Jan
AZC PL EMC

Place of use does not include federal public lands.

785 787

The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 22-4185, 22-7019,
22-7171

This right is limited to the irrigation of 380 acres within the place of use
described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

A measuring device of a type approved by the Department shall be
permanently installed and maintained as part of the diverting works.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right No. 22-4185 is an enlargement of 22-7019 and 22-7171 pursuant to
Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section
42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section
42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on 1/27⁹, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

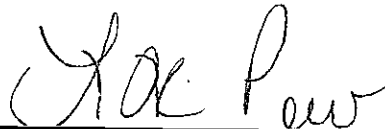
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

DENNIE K. ARNOLD
JANET ARNOLD
1045 N. HWY 32
FELT, ID 83424

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form